

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Bobby Pierce,

Civil No. 11-385 (PAM/AJB)

Plaintiff,

v.

ORDER

Al Sims,

Defendant.

This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Arthur J. Boylan dated February 18, 2011. In the R&R, Magistrate Judge Boylan reviewed Plaintiff’s Complaint against Al Sims (Docket No. 1), and application to proceed in forma pauperis (Docket No. 2), pursuant to 28 U.S.C. § 636 and Local Rule 72.1. Plaintiff has failed to file objections to the R&R in the time period permitted. The Court therefore **ADOPTS** the R&R (Docket No. 3).

Accordingly, **IT IS HEREBY ORDERED that:**

1. The Report and Recommendation (Docket No. 3) is **ADOPTED**;
2. Plaintiff’s Application to Proceed in forma pauperis (Docket No. 2) is **DENIED** pursuant to 28 U.S.C. § 1915(e)(2)(B); and

3. This action is summarily **DISMISSED** for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(h)(3).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: *March 17, 2011*

s/Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge